

APPROVED: Meeting No. 10-81

ATTEST: *W. E. Hanna, Jr.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 7-81

March 9, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, March 9, 1981 at 8:00 p.m.

PRESENT:

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilman John Freeland

Councilwoman Phyllis B. Fordham

Councilman John Tyner

The Mayor in the chair.

In attendance: City Clerk Helen Heneghan, City Manager Larry Blick, City Attorney Roger Titus, Director of Community Development Douglas Horne, Director of Recreation Ron Olson, Director of Planning James M. Davis, Public Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Blick reported the following:

1. Mr. Blick attended the annual meeting of CTIP which is funded by the National Science Foundation. It has been discovered that the program will be a casualty of the new administration.
2. A letter has been received by the State saying that the certified tax rate should be \$.94 per \$100 evaluation.
3. Mr. Caltrider, Department of Transportation held a meeting on the design for the Falls Road Interchange. He has recommended alternative 3 which is a full interchange with circular ramps on the West and diamond shaped ramps on the East. The next step is to forward it to the Federal Highway Administration for design approval. Then funding will be included in the five-year budget. They have also approved Plan C for the Maryland and Falls Road Intersection which coincides with the City's recommendation. They have found that the original noise problems thought to exist on Maryland Avenue will be nonexistent since trucks will be excluded. Therefore, the noise will not exceed federal standards causing it to be an environmental issue.

4. Mr. Titus told the Council that the court hearing on Gude Drive was to be held March 6. The judge has decided that there will be no hearing. He will decide it without a hearing in the immediate future. The City sent additional material into the record today.

Mr. Tyner asked if the City Manager has inquired of the State as to how they arrived at the 94¢ figure and suggested that he do so. Councilwoman Fordham asked when the hearing will be held on the certified tax rates. Mr. Blick explained it will be held in conjunction with the City's Budget hearings.

Mayor Hanna said he brings greetings to the City from the country of Nigeria, which he has just visited. He found life to be quite different from that in the United States. They have traffic problems in Nigeria. They have solved the problems by removing a driver from a car and horsewhipping him on the spot. He noted the absolute importance to the United States of the country of Nigeria since it is the second highest supplier of oil to the United States.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments: Nicholas Stoer - reappointment as member for two years to the Traffic and Transportation Advisory Commission; Nancy Hewitt - two year appointment to the Civic Improvement Advisory Commission; Charles S. Carroccio, Jr. - two year appointment to the Energy Commission.

Re: Resolution: To Commend the
Rockville Civitan Club on
its 25th Anniversary

Resolution No. 3-81

On a motion by Councilman Tyner, seconded and unanimously passed, Resolution No. 3-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, commending the Rockville Civitan Club on its 25th Anniversary, was adopted by the Mayor and Council.

Re: Resolution: To Establish an
Ad Hoc Lincoln's Birthday
Observance Committee

Resolution No. 4-81

On a motion by Councilman Abrams, duly seconded and unanimously passed, Resolution No. 4-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing an Ad Hoc Lincoln's Birthday Observance Committee, was adopted by the Mayor and Council.

Re: Award of Contract Bid No. 32-
Lawn Maintenance in Municipal
Right-of-Way

Bids were opened in the Conference Room, City Hall, at 3:30 P.M., February 26, 1981, for mowing the lawn on West Ritchie Parkway.

The bids were as follows:

	Per Mowing
Commercial Lawn Service Co., Rockville, Md.	\$1,088.70
Professional Lawn Service, Gaithersburg, Md.	1,140.00
Facility Service, Rockville, Md.	1,149.50
Kelly Landscaping Co., Germantown, Md.	1,292.00
Roger P. Pereira, Silver Spring, Md.	1,368.00
Ruppert Landscaping Co., Ashton, Md.	1,596.00
Suburban Lawn Maintenance Co., Rockville, Md.	2,083.25
Pine Grove Landscape Contractor, Rockville, Md.	2,470.00

The work is to include an average mowing once every two weeks, a total of 12 mowings during the growing season. This includes edging of all curbs and walks; trimming around all trees and plantings, and along the city-owned side of all fences. Each mowing is to be preceded by the removal of all litter, bottles, broken limbs, etc. Any damage to city property caused by the contractor is to be repaired by the contractor at his expense. \$14,000.00 for Contract Mowing was budgeted in the FY 81 Rights-of-Way category to provide for the handling of additional acres of city land requiring maintenance. The staff recommends an award to Commercial Lawn Service Company of Rockville for \$13,064.40.

Councilwoman Fordham asked why the staff is not using young people to do this lawnmowing. Mr. Olson explained that the land under discussion comprises 36 acres. Because of its size it does not lend itself to young people assuming so much responsibility.

On a motion by Councilman Freeland, seconded and unanimously passed, Bid No. 32-81 for Lawn Maintenance was awarded to Commercial Lawn Service Company, in the amount of \$13,064.40.

Re: Approval of Membership Fees
at the Rockville Municipal
Swim Club

Based on a detailed financial analysis of the Swim Center fiscal operation, the staff recommends changing the Swim Center fund from a Special Revenue Fund to an Enterprise Fund. This change is indicated because the Swim Center is self-supporting through user fees. The debt service amount for FY 1982 reflects depreciation rather than payment on principal bonds, as has been shown in previous years. Budgeting for depreciation will provide for full payment of all

principal bonds, as well as providing necessary funds for capital improvements and repairs.

The staff recommends an average fee category increase of 9.4% in FY 1982, to maintain the Swim Center as a self-supporting operation.

Councilman Tyner asked if any of the requisites for energy will be reflected in current budget. Mr. Olson said they will not be in place. Councilwoman Fordham questioned the resident family annual fee and suggested it be \$10 less. Mr. Hall explained the discount when the fee is paid by April 30th. Mayor Hanna shared Councilwoman Fordham's concerns and noted the rate increase was necessary to stay above the increase in charges for everything, and is necessary in order for the pool to stay self supporting and not be brought into the General Expense Fund. Councilman Freeland commended the staff for bringing in the figures at this rate and being able to keep the pool operating off the tax rolls.

Councilman Tyner moved, duly seconded, that the rates be approved and the Swim Center fund be changed from Special Revenue to an Enterprise Fund. The motion passed unanimously. Mayor Hanna suggested that the early pre-payment discount be heavily advertised.

Re: Approval Fees for the
Red Gate Golf Course

In order to keep pace with anticipated FY82 budget requirements, staff recommends a basic \$.25/9 holes increase in the golf rates.

The Montgomery County M-NCPPC courses have raised their rates effective March 1981 by \$.25/9 holes. Falls Road and Laytonsville courses have raised their rates as well effective March 1, 1981. However, their rates including the increase will be \$.25/9 holes less than the M-NCPPC increased rates.

In the past year City golf rates were \$.25/9 holes greater than Falls Road and Laytonsville, and the City has not experienced any significant impact. Over the past years, the City has experimented with fees lower than other courses in order to generate greater revenues, and has found no significant increase in play has occurred.

The proposed budget for the golf course is \$272,405 including \$70,408 debt service. With the rate increase calculated at 41,000 rounds, the total anticipated revenue will be \$205,891.

The Council discussed the golf course rates at length and the pros and cons of increasing the fee thereby discouraging rounds of play. It was agreed that the City would set up a meeting with the County to consider the debt schedule since it seems most appropriate to point out by subsidizing the golf courses

below their cost it is forcing the City to compete. Councilman Tyner asked the status of the driving range. Mr. Olson said it is under construction. A developer is giving the City fill and it should be received by early April and be ready to go in a month so the only cost will be for the use of balls. Councilman Tyner requested a breakdown of maintenance costs for the past five (5) years and a list of what promotional work is done for tournaments.

Councilwoman Fordham suggested the charge be increased for nonresidents. She said she has been discouraged from requesting this at other times, but she feels in the long run it would work. Mr. Olson explained that it would be very time consuming checking identity and from a business standpoint different rates just don't work. The City Manager agreed and said that Rockville residents could not support the 40,000 rounds necessary to keep the golf course operating and that outside players are necessary. He suggested if the Council was serious about different rates he would prefer that they postpone a decision. Councilwoman Fordham said she would like more information about the rate schedule. Councilman Freeland disagreed and said it would have to be overwhelming information in order to convince him. He did not feel it would warrant the staff time involved.

Councilman Freeland moved, duly seconded, that the fees be set tonight as proposed by the staff. Councilwoman Fordham said she would agree provided she gets further information. Mayor Hanna asked the staff to bring the information forward. Councilman Freeland's motion passed unanimously.

Re: Preliminary Review Text
Amendment T-43-81, Paisano's
Pizza

Mr. Titus read a letter from the applicant requesting that this text amendment application be withdrawn with no consideration. Councilwoman Fordham moved that the Council honor the request of the applicant and refund the application fee. Mayor Hanna disagreed with the motion. The motion died for lack of a second. The Council discussed this further.

On a motion by Councilman Tyner, duly seconded, the Council agreed to allow the withdrawal of the application with a 50% refund, all voting aye except Councilwoman Fordham who voted nay.

Re: Adoption of Ordinance: To
Grant Street Closing Application,
SCA-23-80

Ordinance No. 5-81

On a motion by Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 5-81 the full text of which can be found in Ordinance Book No. 10. of the Mayor and Council, granting Street Closing Application SCA-23-80, was adopted by the Mayor and Council.

Re: Resolution to provide for public
hearing & notice in connection with
proposed annexation - X-82-81

Resolution No. 5-81

On a motion by Councilman Tyner, duly seconded and unanimously passed, Resolution No. 5-81, the full text of which may be found in Resolution Book No. 7 of the Mayor and Council, setting May 11 as hearing date for annexation X-82-81 was adopted by the Mayor and Council.

Re: An Introduction of a Resolution
to Enlarge the Corporate
Boundaries of the City to include
18,950 square feet - Montrose Woods

On a motion of Councilman Abrams, there was introduced upon the table a resolution to enlarge the corporate boundaries of the City to include Montrose Woods.

Re: Resolution to Provide for Public
Hearing and Notice in Connection
with Proposed Annexation - 9.8784
acres - Ewing

Resolution No. 6-81

On a motion by Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 6-81, the full text of which may be found in Resolution Book No. 7 of the Mayor and Council, setting May 11 as public hearing date for Annexation X-83-81 was adopted by the Mayor and Council.

Re: Introduction of Resolution to
Provide for Public Hearing and Notice
in Connection with Proposed Annexatio
-9.8784 acres - Ewing

On motion of Councilman Abrams there was introduced upon the table a resolution to enlarge the corporate boundaries of the City to include the Ewing property.

Re: Citizens' Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. David Abuhove. Mr. Abuhove pointed out to the Mayor and Council a hazardous entrance to the mall at Monroe Street. Trucks cause problems

loading or unloading. He is afraid a serious accident will occur if the situation is not corrected.

2. Mr. Bernard Rabin. Mr. Rabin asked the Council what is the procedure for adopting an ordinance to grant a text amendment. Mayor Hanna explained the procedure citing the "grandfather clause" to those existing businesses. Mr. Rabin said he feels the City is unfair in its action and is granting this text amendment without due consideration. Mr. Abrams explained the process that led him to favor the text amendment. Mr. Rabin said he still feels the City is being unfair.

3. Lucille Hood. Mrs. Hood said she will be attending a Montgomery County forum on Government and Business. She will report on it to the Mayor and Council next week. On February 26, she attended the Recreation and Park Board Meeting and talked to them concerning classes. She does not feel the Rockville Civic Ballet is representative. Dancers in the Civic Ballet shouldn't be required to study in City programs and the City is guilty of intrusion into private business.

4. Barbara Lingenfelter, 10 Owens Ct. Mrs. Lingenfelter read a letter written January 7 by the West End Civic Association to call for the closing of Gude Drive Landfill and support the City's position. It will be presented to the County Council when the work session on landfills is rescheduled. Mayor Hanna said he would like to publicly thank Mrs. Lingenfelter for the presentation before the County delegation on the Falls Road Interchange as part of the Montgomery County CIP.

5. Eric Guckenheimer, 803 Cabin John Parkway. Mr. Guckenheimer urged the Mayor and Council to write to the Maryland Department of Transportation asking for a traffic sign at the intersection of Fields Road and Rt. 355. Even though it is outside the City limits, the traffic approaching it comes from a point within the City and it is very difficult to make a turn there. Mayor Hanna said the City would ask the Traffic and Transportation Commission to look at it.

6. George Jocka, 308 New Mark Esplanade, representing the New Mark Commons Civic Association. He pointed out that on January 28 the builder's application for a permit was denied by the Planning Commission and he had learned that this evening the Mayor and Council would be entering an appeal into the record under new business. The New Mark Commons Civic Association is requesting permission to be a part of the hearing. Mr. Titus explained the process and explained that the appeal would be limited to matters of record before the Planning Commission it would not be appropriate for the Mayor and Council to hear any argument or evidence this evening. Mr. Jocka said that the New Mark Commons Civic Association

agrees with the Planning Commission's decision.

There being no other citizens wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Public Hearing Text Amendment
Application T-42-80

The Mayor and Council conducted a public hearing on Text Amendment application, T-42-80, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed and the record to be held open for two weeks.

Re: Public Hearing Map Amendment
Application, M-27-80, Edward
L. Halpern, Applicant, seeking to
place a portion of the Rockville
Academy property in the Transitional
Zone

The Mayor and Council conducted a Public Hearing on Map Amendment Application M-27-80, Edward L. Halpern, Applicant, and heard those persons as will be found in the stenographic transcript of the hearing. There being no other citizens wishing to be heard, the Mayor declared the hearing closed and the record held open for three weeks.

Re: Public Hearing Map Amendment
Application, M-28-80, Edward L.
Halpern, Applicant, requesting
the rezoning of the Rockville
Academy property from the present
R-90, Residential to O-2,
Transitional

The Mayor and Council conducted a Public Hearing on Map Amendment Application, M-28-80, Edward L. Halpern, Applicant, and heard those persons as will be found in the stenographic transcript of the hearing. There being no other citizens wishing to be heard, the Mayor declared the hearing closed and the record held open for three weeks.

Re: Public Hearing: Street Closing
Application, SCA-30-80, SCA-31-80,
SCA-32-80, and SCA-33-80, requesting
the abandonment of a portion of Oak
Ave., Bridge St., High St., Church
St., and Halpine Ave., for the con-
struction of the Metro alignment.

The Mayor and Council conducted a Public Hearing on Street Closing Application, SCA-30-80, SCA-31-80, SCA-32-80, and SCA-33-80, and heard those persons as will be found in the stenographic transcript of the hearing. There being no other citizen

wishing to be heard, the Mayor declared the hearing to be closed and the record held open for one week.

Re: Public Hearing: Sale of Land,
Parcel 4A, to L. Baier

The Mayor and Council conducted a Public Hearing on Sale of Land, Parcel 4A, to L. Baier, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed and the record to be held open for one week.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. J. Granum, re stop signs.
2. Thank you from the Community Clinic
3. Councilwoman Spector, acknowledgement of Mayor's letter
4. Delegate Simmons, re offer of assistance
5. National Lutheran Home, request for waiver

Mayor Hanna asked if the staff has responded to this letter. The City Manager said the applicants have been told the Storm Water Management Committee would meet, review and make recommendations on his request.

6. Harry Dodge, re RMSC showers
7. S.S. Mongelis, re traffic on South Washington Street
8. Rockville Senior Associates, re letter of appreciation
9. Petition re one way of Jefferson Street

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Energy Planner re President's Clearinghouse Conference
2. Project Status Report from Public Works Department
3. Report on projects from Community Resources
4. Memo re Metro programs from Inspection Supervisor
5. Memo from Director of Planning re Maximum Expansion Limits

Mayor Hanna asked if Mr. Abrams had any further questions. Mr. Abrams said he thought that the memo might be referring to the wrong piece of property.

6. Letter from MML re Resolutions and Policy for Annual Meeting
7. Project Status Report from Director of Finance
8. Senior Citizen Spotlight

9. Copy of complimentary letter
10. Memo re testimony on enclave bill
11. Memo from Legal Department re Appeal of PRU-5F-80

The Mayor and Council discussed the appeal procedure. Councilman Freeland said that he did not favor lengthy arguments and would prefer that the Council not conduct a hearing. Councilwoman Fordham disagreed and suggested that the hearing be held lasting one hour, 25 minutes for each of the sides and 5 minutes for summing up and rebuttal. The Council discussed this further.

On motion of Councilwoman Fordham, duly seconded and passed, Council agreed on the procedure for one hour hearings as suggested by Councilwoman Fordham. The motion passed all voting aye. (Councilman Freeland abstained.)

Mayor Hanna scheduled the appeal for March 23rd.

Re: New Business

Councilman Freeland passed out a memo from the Maryland Municipal League on municipal infractions. He included a copy for Mr. Radauskas.

Re: Approval of Minutes

On a motion by Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 5-81 were approved as written.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session the meeting was adjourned at 1:15 a.m. to convene again in general session on Monday, March 16, at 8:00 p.m. or at the call of the Mayor.